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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

HEATHER ARAGON, an individual,

Plaintiff,

vs.

RISE LAW GROUP INC., a domestic
business corporation, MARYANNE
PITCHER, an individual, and JAMIE
HAZLETT, an individual,

Defendants.

Case No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants RISE Law Group, Inc., Maryanne Pitcher, and Jamie Hazlett (collectively, “Defendants”), by filing this Notice of Removal and related papers, remove this action from the Circuit Court of the State of Oregon for the County of Jackson (“Jackson County Circuit Court”) to the United States District Court for the District of Oregon, Medford Division. Defendants remove this case based on the existence of federal questions, namely, the Fair Labor Standards Act, 29 U.S.C. §§ 206 and 207.

STANDARD

“[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a). To remove a case from state court to federal court, a defendant merely needs to file a notice of removal “containing a short and plain statement of the grounds for removal.” 28 U.S.C. §1446(a); *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 551, 190 L. Ed. 2d 495 (2014).

Pursuant to 28 U.S.C. § 1446(a), all papers filed with the state court and served on the Defendants at the time of the removal are attached hereto as **Ex. A. Bolesky Decl. ¶ 2**. No further proceedings have been had in the Jackson County Circuit Court as of the date of filing this Notice of Removal. Bolesky Decl. ¶ 2.

Pursuant to 28 U.S.C. § 1446(b)(1), a notice of removal shall be filed within 30 days after service on defendant of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

FEDERAL QUESTION JURISDICTION

Pursuant to 28 U.S.C. §§ 1331, this Court has original federal question jurisdiction over this action, because Plaintiff has brought claims arising under the laws of the United States, i.e. The Fair Labor Standards Act, 29 U.S.C. §§ 206 and 207. Bolesky Decl. ¶ 2, Ex. A, Amended Compl. ¶¶ 69-95.

NOTICE OF REMOVAL IS TIMELY

This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(1). On May 6, 2022, Plaintiff Heather Aragon filed an Amended Complaint against all of the Defendants in Jackson

County Circuit Court entitled *Heather Aragon v. RISE Law Group, Inc., Maryanne Pitcher, and Jamie Hazlett*, Case No. 22CV13115. Bolesky Decl. ¶ 2, Ex. A, pp 19-38. Service was accepted on June 7, 2022. Bolesky Decl. ¶ 2, Ex. A, p. 44. This Notice of Removal is timely, and all Defendants consent to removal. Bolesky Decl. ¶ 4; *see also* 28 U.S.C. § 1446(b)(2).

REMOVAL TO THIS DISTRICT IS PROPER

Removal of the above-captioned state court action to this Court is appropriate. Pursuant to 28 U.S.C. § 1441(a), removal is made to this Court as the District and Division embracing the place where the state court action is pending. In addition, venue is proper in this district because the District Court for the District of Oregon is the judicial district and division embracing the place where the state court case is pending (*i.e.*, the Circuit Court of the State of Oregon for Jackson County). 28 U.S.C. § 117. Defendants have good and sufficient defenses to this action and do not waive any defenses, jurisdictional or otherwise, by filing this Notice of Removal. Bolesky Decl. ¶ 5.

Pursuant to 28 U.S.C. § 1446(d), Defendants are providing Plaintiffs written notice of the filing of this Notice of Removal. Furthermore, Defendants are filing a copy of this Notice of Removal with the Clerk of the Jackson County Circuit Court, where the action is currently pending. Bolesky Decl. ¶ 3.

CONCLUSION

WHEREFORE, Defendants hereby remove this civil action from the Jackson County Circuit Court to this District Court.

Dated: June 30, 2022

LITTLER MENDELSON, P.C.

/s/ Anthony D. Kuchulis

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